

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Darlene Esposito,

Plaintiff,

Case No. 23-10619

v.

Judith E. Levy  
United States District Judge

Midland Credit Mgmt. Inc.,

Defendant.

Mag. Judge Elizabeth A.  
Stafford

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**ORDER DENYING PLAINTIFF'S MOTION [7] AS MOOT**

On or about March 11, 2023, Plaintiff Darlene Esposito, proceeding pro se, filed the complaint in this case against Defendant Midland Credit Mgmt. Inc. (ECF No. 1.) On May 16, 2023, the Court entered an order summarily dismissing Plaintiff's complaint with prejudice for failure to state a claim. (ECF No. 5.) The Court entered a corresponding judgment the same day. (ECF No. 6.)

On or about August 29, 2023, Plaintiff mailed a motion to voluntarily dismiss this case pursuant to Federal Rule of Civil

Procedure 41,<sup>1</sup> which was docketed by the Clerk's Office on September 5, 2023. (ECF No. 7.) However, because the Court has already dismissed the case with prejudice (*see* ECF Nos. 5, 6), there is nothing remaining to dismiss under Rule 41. Accordingly, Plaintiff's motion to voluntarily dismiss this case is **DENIED** as **MOOT**.

IT IS SO ORDERED.

Dated: November 27, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 27, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

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<sup>1</sup> Plaintiff's motion cites to "Rule 41(b)," which concerns involuntary dismissals when "the plaintiff fails to prosecute or to comply with these rules or a court order." Fed. R. Civ. P. 41(b). Because Plaintiff is proceeding *pro se*, the Court construes Plaintiff's motion as a motion for voluntary dismissal under Rule 41(a).